

FILED
 UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

CLERK US DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

Faustino CARRILLO-Guzman
 aka: Victor Ruiz,
 Hector Guerra-Sanchez
 Antonio Agerra-Lopez

BY KW '08 MJ 0073
 Magistrate Case No. _____

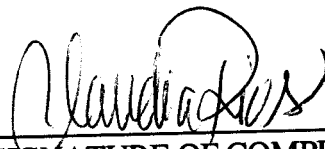
COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
 1324(a)(2)(B)(iii)-
 Bringing in Illegal Aliens
 Without Presentation

The undersigned complainant being duly sworn states:

On or about **January 9, 2008**, at the San Ysidro Port of Entry, within the Southern District of California, defendant **Faustino CARRILLO-Guzman aka: Victor Ruiz, Hector Guerra-Sanchez, Antonio Agerra-Lopez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Candelario BARAJAS-Garcia, Elsa Catalina REYNOSO-Sanchez, and Eva SANDOVAL-Ortega**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT
 Claudia Rios, Customs and Border
 Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 10TH DAY OF
 JANUARY 2008.


 UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

The complainant states that **Candelario BARAJAS-Garcia, Elsa Catalina REYNOSO-Sanchez, and Eva SANDOVAL-Ortega** are citizens of a country other than the United States; that said aliens has admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On January 9, 2008, at approximately 0209 hours, **Faustino CARRILLO-Guzman aka: Victor Ruiz, Hector Guerra-Sanchez, Antonio Agerra-Lopez (Defendant)** attempted to enter the United States from Mexico at the San Ysidro, California Port of Entry vehicle lanes. Defendant was the sole visible occupant and driver of a 1998 Honda Civic. Defendant approached a U.S. Customs and Border Protection (CBP) Officer and presented an Alien Registration Card (Form I-551) bearing the name Jesus Montes-Rojas. Defendant stated to the CBP Officer that he was the owner of the vehicle, that he was not bringing anything from Mexico and that he was going to his place of employment in San Diego, California. The CBP officer conducted an inspection of the vehicle and discovered several persons concealed in the trunk. CBP officers escorted Defendant and vehicle to secondary for further inspection.

During secondary inspection, it was determined Defendant was not the lawful owner of the I-551 he presented. Three individuals were removed from the trunk and were determined to be undocumented aliens. They were held as material witnesses and are now identified as **Candelario BARAJAS-Garcia (MW1), Elsa Catalina REYNOSO-Sanchez (MW2), and Eva SANDOVAL-Ortega (MW3)**.

Defendant's identity was verified by 10-digit fingerprint submission through the Integrated Automated Fingerprint Identification System (IAFIS). IAFIS linked Defendant to FBI and Immigration service Records.

CBP records indicate Defendant was deported from the United States by an immigration judge on or about January 24, 1995 and on or about November, 22, 1988. CBP records also indicated no evidence that Defendant has applied for, nor received permission from the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security to legally re-enter the United States.

During a videotaped proceeding, Defendant was advised of his Miranda Rights and elected to submit to questioning without benefit to counsel. Defendant admitted he is a citizen of Mexico. Defendant admitted he was previously deported from the United States. Defendant admitted he had knowledge that at least one alien was concealed in the trunk. Defendant admitted he was not going to be charged a smuggling fee of \$3,500.00 U.S. dollars in exchange for driving the vehicle containing the concealed undocumented aliens. Defendant admitted the I-551 he presented was not lawfully issued to him and intended to use it as a means to deceive the CBP officer in order to enter the United States. Defendant admitted he intended to travel to Los Angeles, California to reunite with his family and seek employment.

On separate videotaped interviews, all Material Witnesses declared they are citizens of Mexico with no legal rights or entitlements to enter the United States. MW1 stated his cousin was to pay an unknown amount for the smuggling fee and he intended to travel to San Jose, California. MW2 and MW3 stated they were each going to pay \$3,900.00 U.S. dollars to be smuggled into the United States and both intended to travel to Los Angeles, California.